

FEB 18 2005



Ralph E. Jocke  
Patent  
&  
Trademark Law

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NAME: Commissioner for Patents  
U.S. Patent and Trademark Office

FAX NUMBER: (703) 872-9306

DATE: February 18, 2005

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

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COMMENTS: Please find attached a request for reinstatement of appeal via a **Notice of Appeal** for Application 09/193,647. Also attached is a 2nd Request for the Office to properly respond to the Remand dated June 29, 2004.

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Practitioner's Docket No. D-1077+11

**FEB 18 2005**

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Previous Appeal No.: 2003-0830

Appellants: **Usner, et al.**

Confirmation No. 2234

Application No.: **09/193,647**

Art Unit 3621

Filed: **November 17, 1998**

Examiner Pierre Eddy Elisca

Title: **Apparatus and Method for Indicating the Status of Transaction  
Function Devices in an Automated Banking Machine**

**Mail Stop Appeal Brief - Patents**  
**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)**

Appellants hereby request reinstatement of their appeal pursuant to 37 C.F.R. § 41.31.  
Appellants hereby appeal to the Board the decision of the Primary Examiner, mailed November  
18, 2004, regarding all unallowed claims (including rejected claims 1-19).

**1. STATUS OF APPLICANT**

This application is on behalf of other than a small entity.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

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**Ralph E. Jocke**

(type or print name of person certifying)

(Notice of Appeal from the Primary Examiner to the Board—page 1 of 2)

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Notice of Appeal is:

Other than a small entity \$500.00

Previously paid Notice of Appeal fee \$320.00

Notice of Appeal fee due \$180.00

## 3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Appellants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 4. TOTAL FEE DUE

The total fee due is:

Additional Notice of Appeal fee \$ 180.00

**TOTAL FEE DUE \$ 180.00**

## 5. FEE PAYMENT


A fee (\$320) has already been paid for a previously filed Notice of Appeal. If necessary, please apply the previously paid fee herein.

The Commissioner is authorized to charge any necessary fee associated with the filing of this Notice of Appeal and any other fee due to Deposit Account No. 09-0428 (InterBold).

## 6. FEE DEFICIENCY

If any additional extension and/or fee is required, this is a request therefor and to charge Deposit Account No. 09-0428 (InterBold).

If any additional fee for claims is required, charge Deposit Account No. 09-0428 (InterBold).

  
SIGNATURE OF PRACTITIONER

Reg. No. 31,029  
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(Notice of Appeal from the Primary Examiner to the Board—page 2 of 2)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Usner, et al.	)	
Serial No.: 09/193,647	)	Appeal No.: 2003-0830
Confirm. No.: 2284	)	
Filed: November 17, 1998	)	Art Unit 3621
Title: Apparatus and Method for	)	Patent Examiner
Indicating the Status of	)	Pierre Eddy Elisca
Transaction Function Devices	)	
in an Automated Banking Machine)	)	

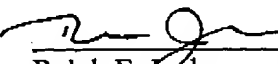
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**2nd Request for the Office to properly respond to the Remand dated June 29, 2004**

The record lacks evidence that the Office Communication dated November 18, 2004, which attempted to reopen prosecution, was approved by a Supervisory Patent Examiner (SPE). Accordingly, prosecution has not been reopened and the Remand remains pending.

Respectfully submitted,

  
Ralph E. Jocke      Reg. No 31,029  
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